

**II. Remarks**

Claims 1-28 and 35 are pending and rejected. With the remarks provided herewith, Applicants respectfully request reconsideration and withdrawal of all rejections.

**Rejections Under 35 U.S.C. § 103**

Responsive to the rejections of claims 1, 2, 4-12, 14-28 and 35 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2001/0049547A1 to Moore ("*Moore*") in view of U.S. Patent No. 7,182,779 to Acosta et al. ("*Acosta*"), the combination of these references is improper and thus such combination fails to render these claims unpatentable. The present application was filed March 9, 2004 and claims benefit to provisional application 60/453,374 filed March 10, 2003. *Acosta* was filed July 2, 2004, well after the filing date of the present application and the provisional application to which it claims benefit. Thus, *Acosta* is not available as a prior art reference under §103(a). Accordingly, Applicants respectfully request withdrawal of the rejections to claims 1, 2, 4-12, 14-28 and 35.

Responsive to the rejections of claims 1-28 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,702,418 to Ravenscroft ("*Ravenscroft*") in view of U.S. Patent No. 6,425,898 to Wilson et al. ("*Wilson*") and *Acosta*, the combination of these references fails to teach each and every element of the claimed invention and such combination is improper. As stated above, *Acosta* was filed after the filing date of the present application and thus *Acosta* is not available as a prior art

reference under §103(a). Accordingly, Applicants respectfully request withdrawal of the rejections to claims 1-28.

Responsive to the rejections of claims 3 and 13 under 35 U.S.C. 103(a) as being unpatentable over *Moore* in view of *Acosta* as applied to claims 1 and 11, and further in view of *Wilson*, the combination of *Moore* and *Acosta* is improper because *Acosta* is not available as a prior art reference under §103(a) for the reasons stated above. Thus, the rejections of claims 3 and 13 should be withdrawn.

Responsive to the rejection of claim 35 under 35 U.S.C. 103(a) as being unpatentable over *Ravenscroft* in view of *Wilson*, *Acosta* and U.S. Patent Application No. 2004/0215331 A1 to Chew ("*Chew*"), the combination of *Ravenscroft*, *Wilson*, *Acosta*, and *Chew* is improper because *Acosta* is not available as a prior art reference under §103(a) for the reasons stated above. Thus, the rejection of claim 35 should be withdrawn.

### Conclusion

Thus, the Applicants believe that claims 1-28 and 35 are in a condition for allowance and such action is respectfully requested.

Respectfully submitted,

January 27, 2009  
Date

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